

Liability of the carrier in international carriage of goods in comparison

Abstract

The rigorosum thesis deals with the analysis of the legal regulation of the carrier's liability in the international carriage of goods, all that across every key type of international carriage, while these rules are being continuously compared with one another in the text of this rigorosum thesis. The thesis tries to point out the differences in the regulation connected to similar legal institutes within two or more types of carriage.

The introducing part of the rigorosum thesis includes the interpretation of basic terms which are commonly found in international carriage, defines its subjects and their possible plurality. Furthermore, the thesis then explains the necessary definition of individual types of carriage, i.e. regimes in which international carriage can be performed. The role of freight forwarders in international trade and carriage is highlighted as well. It is also important not to omit the basic types of contracts that may be entered into by the subjects in international carriage, as well as their mutual comparison within the framework of the national (i.e. Czech) regulation, in terms, among others, of the carrier's liability regime. Last but not least, this part also focuses on the characteristics of the legal relationships in the international carriage of goods as a private law relation with an international element from the point of view of international trade law.

Another individual part of this thesis is connected to the general concept of liability and its grasp by legal doctrine, since the understanding of this concept is necessary for a comprehensive view of the relevant issue in question. The next chapters of this second part contain analysis of the liability of the carrier in international carriage in comparison with the liability of carriers in multimodal transport, while it is also necessary to mention the regulation of carrier liability under the Czech law which may be the applicable law in international carriage according conflict of law rules.

Following the above-mentioned theoretical introduction, which is necessary for being able to provide a comprehensive interpretation, the thesis then contains parts concerning individual types of international carriage. These are systematically organised, especially according to their importance in the Czech Republic. The key role is, therefore, played by carriage by road, the legal analysis of which forms the third part of the thesis. This rigorous thesis also uses carriage by road for a detailed interpretation of all special institutes which can be found in connection to the legal regulation of other types of carriage, and these are not further reinterpreted, but the thesis refers to their interpretation as presented in the part dealing with the carriage by road. Naturally, this does not apply to institutes to be found in specific types of carriage in particular, the interpretation of which is contained in the following parts in detail. Moreover, the carriage by road is followed by carriages by rail, air, sea and, finally, by inland waterway carriage.

Given the scope of the chosen topic, only 5 key areas are selected for comparison in each part of the thesis concerning a given type of international carriage. As a necessary part of the interpretation, the rigorous thesis always mentions the legal regulation of the contract of carriage for a given type of transport, where it is possible to become familiar with the most important multilateral conventions which govern the liability of carriers in given type of carriage. These issues are then followed by the core of this thesis itself, the part analyzing the carrier's liability and its fundamental types. The third area of comparison is connected to the circumstances excluding the carrier's liability. Imagining that the carrier is obliged to pay damages, the thesis explains and compares the scope of such liability as well as the limitation of compensation.

In following parts of the thesis dealing with carriage by rail, air, sea and inland waterway, the reasoning and analysis performed in all 5 of the chapters described above within which the legal regulation of liability and other institutes related to the carrier's liability are being compared with previous types of carriage, can be always found as well.

By way of carefully going through this thesis, the interested reader should gain a comprehensive understanding of the international carriage of goods, i.e. which rules regulate the carrier's liability in any given type thereof, in which cases is the carrier

liable for damage, loss or delay in delivery and up to what amount is the carrier obliged to compensate such damages.